

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, April 16, 2013, 7:00 PM  
Large Court Room – City Hall

**PRESENT:**

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman John Clark  
Alderman Valerie Joh  
Alderman Mike McIntire

Vice-Mayor Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mayor's Youth Council.
- II.B. **INVOCATION:** John Coates, Pastor – Lynn Garden Baptist Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
  1. Boys & Girls Club WALKAround Kingsport Day – Mayor Phillips read this proclamation and presented it to Ms. Anne Beckelman.
  2. Palmer Center Foundation Donation – Dr. Carolyn McPherson gave details on this organization and noted this partnership with the Aquatic Center will allow children with special needs to take swimming lessons. She then presented a check for \$50,000 to the BMA.
  3. Mr. Lafe Cox, band director at Dobyns-Bennett High School, gave the board a photograph of the DBHS band performing at the presidential inauguration parade to hang at city hall.
  4. Mayor Phillips recognized the members of the Mayor's Youth Council who were present for the business meeting and had them introduce themselves. The mayor stated it has been a privilege working with this group of high school students.
- V. **APPROVAL OF MINUTES.**

Motion/Second: McIntire/Joh, to approve minutes for the following meetings:

- A. April 1, 2013 Regular Work Session
- B. April 2, 2013 Regular Business Meeting

Approved: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, April 16, 2013**

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing for Annexation Annual Plan of Services Report** (AF: 85-2013). City Planner Forrest Koder gave a brief presentation on the progress for the plan of services involving twelve annexations.

**PUBLIC COMMENT ON ITEM VI.AA.1.** None.

**2. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Article IV, Signs, Section 114-569(13) for the City of Kingsport** (AF: 86-2013). City Planner Forrest Koder presented this item. Mayor Phillips commented on this and the following item, stating the planning commission and staff has put a tremendous amount of work into these changes. He noted they are not too restrictive and commended their efforts.

**PUBLIC COMMENT ON ITEM VI.AA.2.** None.

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, ARTICLE IV. SIGNS, SECTION 114-569(13); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**3. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Article I. In General, Section 114-1. Definitions for the City of Kingsport** (AF: 87-2013). City Planner Forrest Koder presented this item.

**PUBLIC COMMENT ON ITEM VI.AA.3.** None.

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, ARTICLE I. IN GENERAL, SECTION 114-1; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**4. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Shadyside Drive Annexation and Consideration of a Resolution Adopting the Plan of Services** (AF: 88-2013). City Planner Ken Weems gave a brief presentation on this item. He stated the planning commission voted unanimously in March to send a positive recommendation to the BMA for this annexation. Mr. Weems then answered questions from the board.

**PUBLIC COMMENT ON ITEM VI.AA.4.** None.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, April 16, 2013**

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE SHADYSIDE DRIVE ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG SHADYSIDE DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 13<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Joh, to pass:

**Resolution No. 2013-157**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE SHADYSIDE DRIVE ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment. The mayor recognized a member of the boy scouts who was in attendance to earn a merit badge.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to the Edinburgh Phase 2, Section 2F Development and an Ordinance to Appropriate the Funds (AF: 98-2013).** Mayor Phillips commented on the significant savings these material agreements provide, even though some money is spent up front.

Motion/Second: Segelhorst/Clark, to pass:

**Resolution No. 2013-158**, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MATERIALS AGREEMENT WITH DANNY KARST RELATED TO EDINBURGH PHASE 2 SECTION 2F AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, April 16, 2013**

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE 2 SECTION 2F MATERIALS AGREEMENT PROJECTS (WA1378 AND SW1378); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of a Resolution Awarding the Bid for the Rock Springs Road Improvements Phase 2 Project to Thomas Construction Company, Inc. and Authorize the Mayor to Sign All Applicable Documents and a Budget Ordinance Appropriating Available Funds to GP1304 & WA1304 (AF: 76-2013).**

Motion/Second: McIntire/Clark, to pass:

**Resolution No. 2013-159, A RESOLUTION AWARDED THE BID FOR THE ROCK SPRINGS ROAD IMPROVEMENTS PHASE 2 TO THOMAS CONSTRUCTION COMPANY, INC. AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT WITH THOMAS CONSTRUCTION COMPANY, INC.**

Passed: All present voting "aye."

Motion/Second: Parham/Clark, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS AND THE WATER PROJECT FUND BUDGET BY TRANSFERRING FUNDS FOR THE ROCK SPRINGS IMPROVEMENTS PHASE II FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.**

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement Between the City of Kingsport and the Preston Forest Community Association (AF: 94-2013).** Assistant to the City Manager Chris McCartt stated the PFCA is requesting this neighborhood park be transferred to the city. The partnership will develop a master plan to make improvements such as replacing the playground structure which is not up to code. If approved, the transfer will be effective on July 1, 2013 and the PFCA will match up to \$15,000 invested by the city. Vice-Mayor Parham pointed out this park will be available to all city residents. Alderman Shupe spoke in opposition of this item due to the lack of maintaining other neighborhood parks throughout the city, noting some of them had structures that were present when he was a child. Mr. McCartt stated that park maintenance budgets money every year for upgrades and for fulfilling the master plan for each park. The mayor noted adding this park is irrelevant to the upkeep of other parks and should be addressed separately.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, April 16, 2013**

Motion/Second: Joh/McIntire, to pass:

**Resolution No. 2013-160**, A RESOLUTION APPROVING AN AGREEMENT WITH THE PRESTON FOREST COMMUNITY ASSOCIATION; APPROVING RECEIPT OF DONATIONS FROM THE PRESTON FOREST COMMUNITY ASSOCIATION; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT AND DONATION

Passed: All present voting "aye" except Shupe voting "nay."

**2. Consideration of a Resolution Approving a Release of Claims and Authorizing the Mayor to Execute the Same** (AF: 99-2013). City Attorney Billingsley gave details on this item, stating the city filed a lawsuit against an individual who rear-ended a city vehicle at a stop sign two years ago. The judgment of \$1549.76 has been paid in full and the release is required for her driver's license to be reinstated.

Motion/Second: Parham/Segelhorst, to pass:

**Resolution No. 2013-161**, A RESOLUTION APPROVING A RELEASE OF CLAIMS; APPROVING A CONDITIONAL RELEASE UNDER CERTAIN CONDITIONS; AUTHORIZING THE MAYOR TO SIGN THE SAME, AS APPROPRIATE; AUTHORIZING THE CITY ATTORNEY TO FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THE JUDGEMENT IS FULLY SATISFIED; AND AUTHORIZING THE CITY ATTORNEY ISSUE NOTICE IF THE TERMS OF THE CONDITIONAL RELEASE ARE VIOLATED

Passed: All present voting "aye."

**3. Consideration of a Resolution to Enter into a Professional Services Agreement with CDM Smith for Design of Raw Water Transmission and Intake Improvements and Authorize the Mayor to Sign All Applicable Documents** (AF: 95-2013). Public Works Director Ryan McReynolds presented this item stating this project has been considered since the mid 1990's. The project will ensure that the city is delivering safe drinking water to its citizens and the surrounding area. He stated the top priority is getting the raw water from the river to the water plant. Currently, the piping system used is very dated, therefore a new tunnel will be built for this purpose. Mr. McReynolds further noted the geotechnical services required are unique to this project. Mr. Campbell pointed out that Kingsport still has the best raw water source and plant capacity in the region. Some discussion ensued.

Motion/Second: McIntire/Parham, to pass:

**Resolution No. 2013-162**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH, INC., FOR DESIGN OF RAW WATER TRANSMISSION AND INTAKE IMPROVEMENTS AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, April 16, 2013

**E. APPOINTMENTS/REAPPOINTMENTS.**

Motion/Second: Joh/Clark, to approve:

1. **Consideration of a Reappointment to the Kingsport Public Library Commission (AF: 93-2013).**

Approve:

REAPPOINTMENT OF MR. PARKER SMITH TO SERVE ANOTHER TERM ON THE **KINGSPORT PUBLIC LIBRARY COMMISSION** EFFECTIVE APRIL 30, 2013 AND EXPIRING ON APRIL 30, 2016.

Passed: All present voting "aye."

**VII. CONSENT AGENDA. *(These items are considered under one motion.)***

Motion/Second: Joh/McIntire, to adopt:

1. **Consideration of an Ordinance to Amend the General Project Fund, MeadowView Project Fund and the General Project – Special Revenue Project Fund Budgets by Transferring Funds from Various Projects (AF: 84-2013).**

Adopt:

**Ordinance No. 6303**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND, MEADOWVIEW PROJECT FUND, AND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY TRANSFERRING FUNDS FROM VARIOUS PROJECTS ; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

- A. **CITY MANAGER.** Mr. Campbell thanked public works for the extra curbside pick-up last week. He stated this effort is made every spring and really helps to clean up the city. Mr. McReynolds gave details on where to drop off items such as electronics and paint throughout the year. He also provided information on the new automated recycling program, stating the goals are to increase recycling, increase diversion out of the landfill and lower the overall cost structure. In June, the new carts will be distributed and they will have the same body as the current garbage carts but the lid will be blue. The carts will be picked up by similar trucks also. More information will be distributed through local media in the upcoming weeks. Mr. Campbell also acknowledged the budget received additional recognition, commending Budget Director Judy Smith and her staff.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, April 16, 2013**

- B. MAYOR AND BOARD MEMBERS.** Alderman McIntire stated thoughts and prayers are with the families in Boston who were injured or killed at the marathon bombing. He also offered get well wishes to Mr. Gene Stihl and thanked the Palmer Center Foundation for their donation.

Alderman Shupe thanked the young people in attendance. He commented it was an honor to serve on the board and work with city staff. Mr. Shupe also stated he is in prayer about his position as alderman due to the health of his mother. He further stated he will make a statement later in the week.

Alderman Joh echoed Mr. McIntire's statements concerning Boston and the Palmer Center Foundation. She invited everyone to come and visit the carousel and noted an upcoming fundraiser will be announced soon.

Alderman Segelhorst stated he was proud to see four youth groups represented at the meeting. He noted he was glad to see what the Palmer Center Foundation donation was going to be used for. He pointed out all the BMA candidates were present as well and encouraged everyone to vote.

Alderman Clark commented on leadership, pointing out the youth at the meeting are our future leaders. He also pointed out recent staff injuries and encouraged everyone to be as safe as possible.

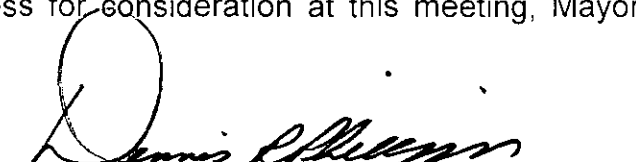
Vice-Mayor Parham stated that as a previous Boston marathon participant, he could identify with those recently affected by the bombing. He also pointed out that although there are younger people serving in the community, there are also older people supporting them, which says a lot about who we are.

Mayor Phillips invited everyone to the prayer breakfast at the Civic Auditorium on May 2 at 8:00 a.m. which is the National Day of Prayer. He also thanked Lafe Cook for the picture and commended the DBHS band.

- C. VISITORS.** Ms. Mary McNabb, 216 East Market Street, commented on the raw water project, Alderman Shupe's position and city parks.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:30 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder

  
DENNIS R. PHILLIPS  
Mayor